

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Status of Claims:**

No claims are currently being added or cancelled.

Claim 1 is currently being amended, without affecting the scope of that claim.

This amendment and reply amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-10 and 13-17 remain pending in this application.

**Claim Rejections – 35 U.S.C. § 112, 1<sup>st</sup> Paragraph:**

In the Office Action, claim 1 was rejected under 35 U.S.C. § 112, 1st Paragraph, as failing to comply with the enablement requirement, for the reasons set forth on page 2 of the Office Action. In reply, claim 1 has been amended to recite that the antenna includes a joint provided at one end of the antenna that is coupled to the upper casing, whereby such features are fully enabled by the specification and the drawings.

**Claim Rejections – Prior Art:**

In the Office Action, claims 1, 5, 8, 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0142794 to Harano in view of U.S. Patent No. 5,907,307 to Bickert and U.S. Patent No. 6,661,391 to Ohara et al.; claims 3, 4 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harano in view of Bickert and Ohara et al. and further in view of U.S. Patent No. 6,615,026 to Wong; claims 6, 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harano in view of Bickert and Ohara et al. and further in view of U.S. Patent No. 7,031,762 to Shoji et al.; claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Harano in view of Bickert and Ohara et al. and further in view of U.S. Patent No. 6,590,544 to Filipovic; claims 13 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0232628 to Fehrm in view of Wong; and claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fehrm in view of Wong and further in view of

Ohara et al. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

Presently pending independent claim 1 recites that the joint corresponds to a feeding section that feeds power to the antenna from the portable telephone when the antenna and the dielectric member are coupled together. In its rejection of claim 1, the Office Action correctly recognizes that neither Harano nor Bickert teaches or suggests the above-underlined features of claim 1; however, the Office Action incorrectly asserts that Ohara et al. teaches such features. Namely, Ohara et al. describes an antenna that is capable of being attached to a radio communication device 26, as seen in Figure 9 of Ohara et al.. While Ohara et al.'s antenna 11 has a fitting 14 for coupling the antenna 11 to the radio communication device 26, that fitting 14 merely allows rf signals to be received by the antenna 11, as clearly seen in Figure 9 of Ohara et al. See, for example, column 8, lines 37-41 of Ohara et al., which describes that the antenna is connected to radio-frequency circuit 30 for a first frequency band and to radio-frequency circuit 31 for a second frequency band. There is nothing in Ohara et al. concerning the providing of power to the antenna via the switch 29 and the feeder 28; rather, those components merely provide rf signals to the antenna, for transmitting to the outside.

Accordingly, since Ohara et al. does not teach or suggest a joint that corresponds to a feeding section that feeds **power** to the antenna, and since none of the other cited art of record rectifies these deficiencies of Ohara et al., presently pending independent claim 1 is patentable over the cited art of record.

With respect to the rejection of independent claim 13 over the combined teachings of Fehrm and Wong, the Office Action relies on Wong to teach a dielectric member positioned farther from where a palm of a user is located than an antenna is positioned with respect to the palm of the user, when the user is holding the portable telephone within the palm in order to operate the portable telephone. However, Wong's disposition of his dielectric member is within a housing of his mobile telephone at a middle section of his mobile telephone, as seen in Figure 1 of Wong, and thus Wong does not teach or suggest an antenna is mounted on a lower end of the lower casing on an outer surface of the lower casing, as recited in presently pending independent claim 13. Accordingly, to assert that Wong's disposition of his antenna and dielectric member within a housing of his mobile telephone at a middle section of his mobile telephone can be modified to be placed on an outside of his mobile telephone at a

lower end of a lower casing of his mobile telephone, is clearly not something to be envisioned by a person of ordinary skill in the art, without hindsight knowledge of the claimed invention.

On page 17 of the Office Action, it asserts that column 2, lines 46-54 of Wong teaches that other types of antennas besides a single pole antenna may be utilized in the system of Wong. While this may indeed be the case, this clearly means that other types of antennas, such as a dipole antenna, can be utilized in the system of Wong, whereby those other types of antennas would still be totally encased within a housing of the mobile telephone. To assert otherwise is incorrect, since Wong does not contemplate a different disposition of his antenna beyond what is shown in Figures 1-4 of Wong.

Note also that column 2, lines 64 et seq. of Wong describes that the purpose for having a dielectric material in front of the antenna 12 is because Wong also has a metallic surface 14 provided within the interior of his mobile phone, so as to maximize a shielding effect for the user, whereby metallic surface 14 is utilized to radiate electromagnetic waves radiated by the antenna 12 into a widely scattered area. See column 3, lines 25-31 of Wong. Since Fehrm does not utilize such a scheme of having an antenna with a metallic surface, namely because Fehrm's antenna is provided on an outer surface of his mobile telephone and thus does not have the transmission problems associated with transmitting electromagnetic waves from within a housing of a mobile telephone, it would not make sense to utilize the teachings of Wong into the mobile telephone of Fehrm.

Thus, since Fehrm and Wong cannot be combined in the manner suggested in the Office Action, and since in any case such a purported combination fails to teach or suggest all of the features recited in independent claim 13, that claim is patentable over the cited art of record.

With respect to the rejection of independent claim 16, that claim recites:

*wherein the antenna includes a joint provided on one end of the antenna and that is configured to be coupled to either a back surface of the upper or a front surface of the lower casing,*

*wherein, when the antenna and dielectric member are connected to the upper casing, the dielectric member is positioned farther away from a head of a user than the antenna is positioned with respect to the head of the user, when the user is operating the portable telephone, and*

*wherein, when the antenna and dielectric member are connected to the lower casing, the dielectric member is positioned farther from where a palm of a user is located than the antenna is positioned with respect to the palm of the user, when the user is holding the portable telephone within the palm in order to operate the portable telephone.*

In its rejection of claim 16, the Office Action refers to Ohara et al. for teaching the above features of claim 16. Applicants respectfully disagree. Ohara et al. does not contemplate two different connections of his antenna to his radio communication device 26. Rather, **Ohara et al. merely describes one connection point (top left opening as shown in Figure 9 of Ohara et al.) for connecting his antenna 11 to a housing 27 of his radio communication device 26,** which falls well short of the specific features recited in claim 16. In more detail, Ohara et al. fails to teach or suggest the positioning of an antenna to either a back surface of an upper casing or a front surface of a lower casing, since Ohara et al. does not show two different connection points for connecting his antenna 11 to a housing 27 of his radio communication device 26.

Accordingly, since neither Bickert nor Harano makes up for these deficiencies of Ohara et al. (as acknowledged in the Office Action due to its reliance on Ohara et al. in rejecting claim 16), claim 16 is patentable over the cited art of record.

**Conclusion:**

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for

such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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